

CITY COUNCIL
CITY OF WICHITA
KANSAS

City Council Meeting
October 26, 1999, 9:00 A.M.

City Hall
455 North Main

ORDER OF BUSINESS

- Call to Order
- Invocation – Rev. Michael McGuire, Bethany United Methodist Church
- Pledge of Allegiance
- Approve the minutes of the previous meeting

AWARDS AND PRESENTATIONS

- Recognition of Wichita's International Students
- Distinguished Service Citation
- Proclamations

UNFINISHED BUSINESS

1. Z-3334 - Zone Change from "B" Multi-Family to "GC" General Commercial; and DP-132 - Number One Amendment to the Via Christi - St. Francis Regional Medical Center C.U.P. Located on the Northeast Corner of Murdock and Topeka. (District VI)

(Continued from October 19, 1999)

- RECOMMENDED ACTION:
1. Concur with the findings of the MAPC and approve the C.U.P. and zone change, subject to conditions, and subject to the condition of Platting within one year; and the Ordinance be forwarded for first reading when the Plat is forwarded to the City Council; OR
 2. Return the application to the MAPC for reconsideration.

2. Employee Pension Enhancements.

(Continued from October 19, 1999)

RECOMMENDED ACTION: Approve adoption of the Ordinances, as amended.

NEW BUSINESS

3. 2000 City of Wichita Legislative Program.

Staff has prepared a legislative agenda outlining the City's position on a number of issues that will be considered by the 2000 Kansas Legislature.

RECOMMENDED ACTION: Receive and approve a 2000 legislative program;
and authorize presentation to legislative delegation
and other appropriate agencies.

4. Arts and Crafts Center Lease Agreement.

The SER Corporation and the Hispanic/Native American Coalition are proposing that the City modify its lease or permit demolition of the existing building and construction of an alternative structure.

RECOMMENDED ACTION: Take appropriate action.

5. HUD Consolidated Plan - Establishment of Priority Needs.

Identification of priority needs will assist in allocating federal, state, and local resources to principally benefit low and moderate income persons.

RECOMMENDED ACTION: Close the public hearing; and establish priority
needs for the 2000-2004 HUD Consolidated Plan.

(11:00 a.m.)

6. Public Hearings on Proposed Assessments for Twenty-Nine (29) Water and Twenty (20) Sewer Projects.

Notice of hearing was published and affected property owners have been notified in writing. City personnel held an informal hearing October 11, 1999.

RECOMMENDED ACTION: Close the public hearings; approve proposed
assessments; and approve first reading of the
Ordinances.

CITY COUNCIL AGENDA

7. Board Appointments.

RECOMMENDED ACTION: Make the appointments.

8. Proclamations.

RECOMMENDED ACTION: Authorize issuance of the Proclamations.

CONSENT AGENDA

9. Report of the Board of Bids and Contracts Dated October 25, 1999.

RECOMMENDED ACTION: Receive and file the report; approve the Contracts;
and authorize the necessary signatures.

10. Applications for Licenses to Retail Cereal Malt Beverages:

<u>Renewal</u>	<u>1999</u>	<u>(Consumption on Premises)</u>
Amy Namphengsone	Royal Orchid Thai Cuisine	1845 South Rock Road #105
*Brian H. Cole	Pizza Hut #301073	1035 N. Broadway
*Brian H. Cole	Pizza Hut #301011	1016 W. Douglas
*Brian H. Cole	Pizza Hut #301046	333 E. 47th South
*Brian H. Cole	Pizza Hut #301065	2181 N. Rock Road
*Brian H. Cole	Pizza Hut #301008	1708 E. Pawnee
*Brian H. Cole	Pizza Hut #301007	550 N. West
*Brian H. Cole	Pizza Hut #301020	8977 W. Central
		<u>(Consumption off Premises)</u>
Brent P. Lathrop	L and L Inc./dba Snacks	3733 North Arkansas
Sarah Bokhari	AR Incorporated	2700 N. Amidon
Gene Clasen	Checkers	245 E. 47th South
<u>New Establishment</u>	<u>1999</u>	<u>(Consumption on Premises)</u>
*Mary Mena	El Salvador	627 E. 47 th South
*/**Kimberly Le	Sao Dem Cafe	1933 N. Broadway

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(Consumption off Premises)

John G. Wylie HELLO Property Development Corp. 550 N. Webb
dba HELLO CSS #122

*General/Restaurant -- 50% or more of gross receipts derived from sale of food.

**Located within 300 feet of church/school.

RECOMMENDED ACTION: Approve the licenses, subject to Staff review and approval.

11. Plans and Specifications:

- a. Landscaping Greenwich Road from Kellogg to Central, Phase Two - Greenwich, north of Kellogg. (472-82738/706390/405194) Traffic to be maintained during construction using flagpersons and barricades. City Council approval date: 4/1/1997. (District II)
- b. 1999 Enhanced Maintenance Reconditioned Roadbed and Overlay of Asphalt Streets in Newly Annexed Areas (792267), Contract Maintenance Cold Recycle locations (131767), and Enhanced Maintenance Stabilization locations (706648-S) - at various locations - (792267/131767/706648-S/621326/435254/405218/533243) Traffic to be maintained during construction using flagpersons and barricades. City Council approval date: 11/24/1998. (Districts II, III, V, and VI)
- c. 1999 Enhanced Maintenance Concrete Repairs, Phase F (various locations) (/706648-F/405218) Traffic to be maintained during construction using flagpersons and barricades. City Council approval date: 10/13/1998. (Districts III and IV)

RECOMMENDED ACTION: Approve the plans and specifications to be advertised for bids to be submitted to the Board of Bids and Contracts by 10:00 a.m., November 5, 1999.

12. Subdivision Plans and Specifications.

RECOMMENDED ACTION: Approve and advertise for bids to be submitted to the Board of Bids.

13. Preliminary Estimate.

- a. Murdock paving at Wichita Street and Storm Sewer, Phase II (Murdock at Wichita Street) (472-83473/706002/405154) Traffic to be maintained during construction except for a 2 week closure of Murdock at Wichita Street. City Council approval date: 2/4/97. (District VI) - \$161,744.08

RECOMMENDED ACTION: Approve and file.

14. Minutes of Advisory Boards/Commissions:

Art and Design Review Board, 7-30-99
Art and Design Review Board, 8-19-99
Board of Electrical Appeals, 9-14-99
Board of Health, 9-30-99
Civil Rights and Service Board, 9-20-99
Convention and Tourism Board, 9-2-99
Convention and Tourism Board, 9-28-99
CPO Northeast Council 1, 10-11-99
CPO Southwest Council 4, 10-14-99
CPO Northwest Council 5, 10-13-99
Metropolitan Area Planning Commission (MAPC), 7-29-99
Wichita Airport Authority, 9-7-99

RECOMMENDED ACTION: Receive and file.

15. Consideration of Street Closures/Uses.

RECOMMENDED ACTION: Approve the street closures/uses.

16. Monthly Financial Report for the Period Ended September 30, 1999.

RECOMMENDED ACTION: Receive and file.

17. Report on Claims Allowed - September 1999:

<u>Name of Claimant</u>	<u>Amount</u>
Justin A. Jensen	\$9,999.99*
Becky Wolke	\$7,798.00*
Dan & Emily Davis	\$ 858.74
Joo Lee Yeo	\$8,600.00*
Wayne Peterson	\$ 804.95
Michelle Coleman	\$ 494.45*
Tywana Harms	\$ 170.00

*Settled for lesser amounts than originally claimed.

RECOMMENDED ACTION: Receive and file.

18. Agreements/Contracts:

- a. Respread assessments Bay Country Addition – south of Central, west of 119th Street. (District V)
- b. Design Services for Smithmoor Addition - south of Harry, west of Greenwich. (District II)

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- c. Utility Encroachment Permit Agreements: Rainbow Lakes West Third Addition - north of Maple, east of 135th Street West. (District V)
- d. Bureau of Reclamation modification of assistance Agreements - Cheney Watershed sampling.
- e. Supplemental design service - 21st Street North from Hood to Broadway. (District VI)
- f. Supplemental staking and construction engineering services for Auburn Hills, Auburn Hills Commercial, and Auburn Hills Commercial Second Additions - along 135th Street West, south of Maple. (District V)
- g. Legal Services - Hyatt Waterwall.
- h. Community Housing Services/CHDO Project Contract.
- i. Amendment - Annexation Service Extension Plans.
- j. Eaton Place Project Lender Agreement.

RECOMMENDED ACTION: Approve the Agreements/Contracts; and authorize the necessary signatures.

19. Contract for Wichita Intervention Program Facility.

RECOMMENDED ACTION: Approve the proposal and Contract; and authorize the necessary signatures.

20. Change Order: 1999 Contract Street Maintenance Program. (District I)

RECOMMENDED ACTION: Approve the change order; and authorize the necessary signatures.

21. Omnisphere Repairs and Modifications. (District I)

RECOMMENDED ACTION: Approve the project; and adopt the Resolution.

22. Automatic Floor Scrubbers - Budget Adjustment. (Districts I, II, III, and VI)

RECOMMENDED ACTION: Approve the budget adjustment.

23. Long Distance Telephone Service.

RECOMMENDED ACTION: Approve the Contract for a one-year period with two annual options to renew; and authorize the necessary signatures.

24. Emergency Shelter for the Homeless. (District VI)

RECOMMENDED ACTION: Approve the funding.

25. Submittal of FFY 1997 and 1998 Comprehensive Grant Program Annual Statement of the Performance and Evaluation Reports.

RECOMMENDED ACTION: Approve the reports; and approve the Board of Housing Commissioners Resolution.

26. Public Exigency Project - Sanitary Sewer Repairs. (District I)

RECOMMENDED ACTION: Affirm the Public Exigency project approval.

27. Second Reading Paving Assessment Ordinances: (First read October 12, 1999)

a. (490-611/765099/472-81844)

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of improving of Brown Thrush - south of Second Street, west of Brunswick.

b. (490-362/762591/472-81892)

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of improving of a left turn lane on 21st Street North from the west line of Lot 1 to the west line of Lot 5, Block 6 to serve Sterling Farms Addition - on 21st Street North, West of Tyler.

c. 490-467/763649/472-82715)

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of improving of 19th Street from Santa Fe to Mosley - south of 21st Street, west of Washington.

d. (490-633/765313/472-82752)

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of improving of Cardington, Ryan, Shefford, Cardington Courts, Central Park Court, and Central Park Circle - north of 21st, east of 119th Street West.

e. (490-550/764472/472-82807)

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of improving of Doris Street from the north line of Lot 1, Block A, Eck Fourth Addition to the south line of 11th Street, introduced and under the rules laid over.

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f. (490-551/764480/472-82808)

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of improving of Memory Lane from the east line of Doris Street to the north line of Compton, introduced and under the rules laid over.

g (490-552/764498/472-82809)

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of paving of Curtis Street from the north line of Lot 1, Steve Kelly Addition to the south line of 11th Street.

h. (490-549/764-464/472-82810)

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of improvement of 11th Street from the west line of Doris Street to the west line of Curtis Street - south of 13th Street North, east of Hoover.

i. (490-567/764654/472-82879)

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of improving of Bayview Street, Sandkey Street, Sandkey Courts, Harborside Drive, and Bayview Court - west of Meridian, south of 53rd Street North.

j. (490-572/764704/472-82891)

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of improving of Santa Fe from 19th Street North to 300 feet south of 19th Street North.

k. (490-582/764803/472-82913)

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of pavement of the alley between Main and Market, from the 8th to 9th Street.

l. (490-581/764795/472-82915)

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of improving of Highland Springs, Highland Springs Courts, and sidewalk along both sides of Highland Springs - south of Central, west of 135th Street West.

m. (490-632/765305/472-82941)

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of improving of Hoyt Circle, from the south line of Bluestem to and including cul-de-sac; and Fox Run Circle, from the south line of Bluestem to and including cul-de-sac - south of Harry, east of Webb.

Item #27 Continued

n. (490-614/765123/472-82946)

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of improving of Hickory, Birch, Azure, Azure Circles and sidewalk - north of Central, west of 119th Street West.

o. (490-610/765081/472-82949)

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of improving of Bristol Court from the west line of Bristol to and including the cul-de-sac - north of Central, east of Greenwich.

p. (490-612/765107/472-82959)

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of paving of Cooper and Elmwood Street - North of Pawnee, west of Webb.

q. (490-639/765370/472-82984)

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of improving of Graber Circle, Wildwood Circle, and 29th Street Circle, to serve Custer Addition - south of Pawnee, west of Meridian.

r. (490-658/765547/472-82986)

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of improving of Chateau from the south line of Smithmoor Third Addition to the south line of Smithmoor Eighth Addition - south of Harry, east of Webb.

s. (490-641/765396/472-83015)

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of improving of Cedar Downs Circle and Cedar Downs Court - south of Central, west of 119th Street West.

t. (490-663/765552/472-83061)

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of improving of pavement on west 21st Street North and a Public Fire Hydrant at the Eastern Most Drive - south of 21st, west of Ridge.

u. (490-608/765065/472-89252)

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of improving of Monroe Circle from the west line of Tyler Road, west to and including the cul-de-sac - west of Tyler, north of Harry.

Item #27 Continued

v. (490-607/765057/472-89253)

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of improving of Lakeway Court including cul-de-sac, and Lakeway Circle including cul-de-sac - north of 21st Street, west of Hoover.

RECOMMENDED ACTION: Adopt the Ordinances.

28. Second Reading Ordinances (first read October 19, 1999):

a. Old Town Center, L.L.C. (District VI)

An Ordinance of the City of Wichita, Kansas, authorizing the issuance of \$485,000 Aggregate Principal Amount of Subordinated Taxable Industrial Revenue Bonds, Series XII, 1j999 (Old Town Center, L.L.C.) for the purpose of providing funds to complete the acquisition, purchase, renovation and equipping of an office building; prescribing the form and authorizing execution of a First Supplemental Trust Indenture by and between the City and Central Bank and Trust Company, Hutchinson, Kansas, as Trustee, with respect to the Bonds; prescribing the form and authorizing the execution of a First Supplemental Lease Agreement by and between the City and Old Town Center, L.L.C.; approving the form of a Guaranty Agreement; and approving the form of an individual Guaranty Agreement; authorizing the execution of a Bond Purchase Agreement by and between the City, Old Town Center, L.L.C., and Chapman securities, Inc., as Purchaser of the Series XII, 1999 Bonds.

b. A 99-27 - east and west of Webb Road, between Central and 13th North. (District II)

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto, introduced and under the rules laid over

c. Pro Tem Judges Salary Ordinance.

An Ordinance providing for a uniform schedule of standard pay ranges for all employees of the City of Wichita, repealing Ordinance No. 44-120.

RECOMMENDED ACTION: Adopt the Ordinances.

PLANNING AGENDA

NOTICE: Public hearing on planning items is conducted by the MAPC under provisions of State law. Adopted policy is that additional hearing on zoning applications will not be conducted by the City Council unless a statement alleging (1) unfair hearing before the MAPC, or (2) alleging new facts or evidence has been filed with the City Clerk by 5p.m. on the Wednesday preceding this meeting. The Council will determine from the written statement whether to return the matter to the MAPC for rehearing.

*Consent items

29. Z-3336 - Zone Change from "SF" Single-Family Residential to "LC" Limited Commercial; and DP-247 - Creation of 127th Retail Center Community Unit Plan, Located on the Southwest Corner of 127th Street East and Central Avenue. (District II)

MAPC Recommendation: Approve, subject to Platting within one year and conditions.

CPO Recommendation: Approve.

Staff Recommendation: Approve, subject to Platting within one year and conditions.

RECOMMENDED ACTION: 1. Approve the zone change and C.U.P., subject to the recommended conditions; forward the Ordinance for first reading when the Plat is forwarded to the City Council; OR

2. Return the application to the MAPC for reconsideration.

30. CU-541 - Request for a Conditional Use to Allow an Accessory Apartment at the Rear of the Lot, Located North of Orme Street and West of Estelle Avenue (547 South Estelle). (District I)

MAPC Recommendation: Approve, subject to conditions (11-3).

CPO Recommendation: Approve, subject to MAPD Staff comments

Staff Recommendation: Approve, subject to conditions.

RECOMMENDED ACTION: 1. Concur with the findings of the MAPC and approve the Conditional Use to allow an accessory apartment, subject to the recommended conditions; OR

2. Return the application to the MAPC for reconsideration

Adjournment
